

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
Old BPSUSH, Inc., et al.,	:	BK Case No. 16-12373-(BLS)
	:	
Debtors.	:	
	:	
<hr style="width: 40%; margin-left: 0;"/> THESEUS STRATEGY GROUP LLC,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 20-1450-MN
	:	BAP No. 20-46
KAREN BARSA, JOAN DEA, C. MICHAEL	:	
JACOBI, MATTHEW MANNELLY,	:	
BERNARD McDONELL, BOB	:	
NICHOLSEON, MARK VENDETTI, and	:	
JULIE ZALESKI,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **30th** day of **November, 2020**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

The parties have previously engaged in settlement discussions without

success. Because of the current procedural process, it is unlikely that mediation in this matter will result in a resolution.

The parties request that the following briefing schedule be entered in this matter:

Appellant's Opening Brief	February 1, 2021
Appellees' Opposition Brief	March 15, 2021
Appellant's Reply Brief	April 15, 2021

The delayed briefing is requested because of a scheduling conflict for counsel for the Appellant, who are currently engaged in preparation for a for a bankruptcy confirmation hearing and hearing schedule in the Bankruptcy Court for the Southern District of Texas.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections are anticipated pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1, since this Recommendation is consistent with the parties' request.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng